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Submission

JUNE 2016

Submission on the Draft North Coast Regional Strategy

Prepared by
Urban Concepts

On behalf of
Belbeck Investments

For Submission to
NSW Department of Planning and Environment

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1. INTRODUCTION

This submission to the NSW Department of Planning and Environment (The DPE) on the Draft North Coast Regional Strategy (Draft Plan) has been prepared by Urban Concepts on behalf of Belbeck Investments Pty Limited (Belbeck Investments). Belbeck Investments are the proponents advancing the Ewingsdale Retirement Village Planning Proposal (The Planning Proposal) for the land that is legally described as Lot 101 in DP 114936. The land is located in the suburb of Ewingsdale within Byron Shire and is bounded by Ewingsdale Road, McGettigans Lane and William Flick Lane as illustrated by Figure 1.1 The land is subject to the provisions contained in the Draft Plan.

The subject land has a site area of 15 hectares and comprises two separate lots of 7 hectares and 8 hectares that are located either side of the newly completed Byron Shire Central Hospital. The Planning Proposal has been progressing through the Gateway Determination Process since 2013. It seeks an amendment to the Byron Local Environmental Plan 2014 (Byron LEP 2014) to enable the development of a retirement village comprising independent seniors living, an aged care facility and associated retail, commercial and supporting medical facilities on the subject land.

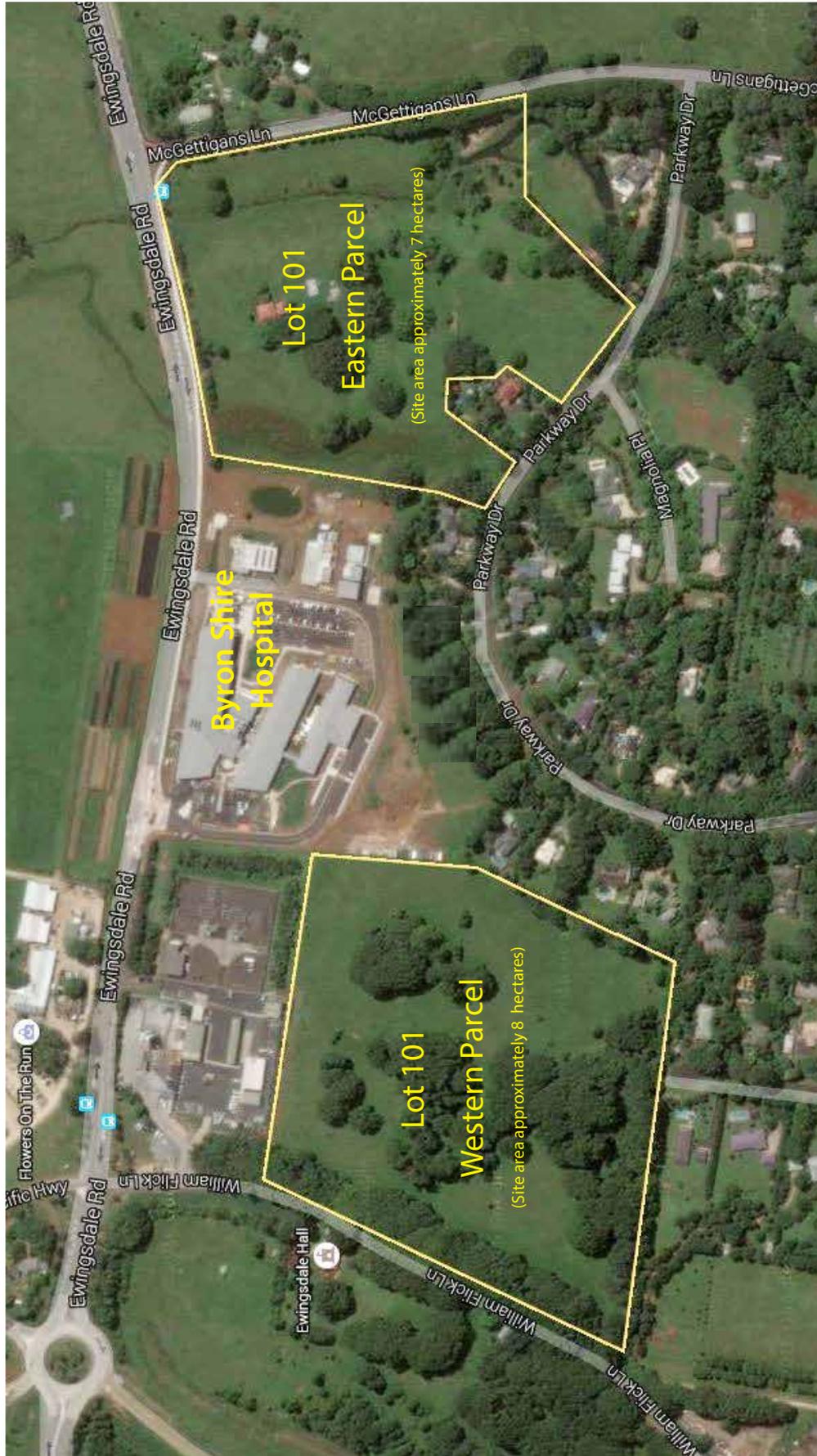
In making this submission, Belbeck Investments requests The DPE to recognise the suitability of the subject lands for urban development and include the lands as urban growth lands on the Growth Area Map for the Byron Shire (being Figure 28) of the Draft Plan. This submission has been made independently of the Section 54(2) request.

Belbeck Investments advanced the Ewingsdale Retirement Village Planning Proposal so that they could realise the development of an integrated seniors living and healthcare precinct based on the ageing in place care model on their site. The Planning Proposal recognises that the subject land is no longer suitable for rural development due to its size, fragmentation and proximity to the newly completed Byron Shire Hospital and associated ambulance centre.

As this submission will demonstrate, the development vision that Belbeck Investments seek to realise on their land directly supports the land use planning, housing, population and employment initiatives outlined in the Draft Plan.

Byron Shire and the broader North Coast Region have an existing undersupply of appropriate housing stock to cater for their growing ageing population. It is our contention that the subject lands no longer can be used for farming purposes because they are small fragmented lots of 7 hectares and 8 hectares. However, these parcels have valuable development potential. This potential has been overlooked in the strategic planning framework for the North Coast Region. The investigations that underpin the Planning Proposal demonstrate that the subject lands are suitable for development as a retirement village and support the population growth, housing supply and employment forecasts prescribed under the Draft Plan. It is recommended that the Draft Plan be amended accordingly to include this land for future development.

FIGURE 1.1 LOCATION PLAN OF SITE



2. STATUS OF THE EWINGSDALE RETIREMENT VILLAGE PLANNING PROPOSAL

On the 8th March 2016, Belbeck Investments wrote to the NSW Minister for Planning requesting that he exercise his powers pursuant to Section 54(2)(d) of the Environmental Planning and Assessment Act 1979 and appoint the Secretary of the NSW DPE as the Relevant Planning Authority going forward. At the time of writing of this submission, no decision had as yet been made concerning this request. A copy of the Section 54(2)(d) request is presented at Appendix A.

3. CONSISTENCY WITH THE DRAFT NORTH COAST REGIONAL STRATEGY

3.1. Overview

The vision for the North Coast under the Draft Plan is:

'For a sustainable future, centred on a prosperous community, healthy environment and attractive lifestyle choices'

To realise this vision, the strategy sets out 5 key goals. These are:

Goal 1– A natural environment, and Aboriginal and historic heritage that is protected, and landscapes that are productive.

Goal 2- Focus growth opportunities to create a great place to live and work.

Goal 3- Housing choice, with homes that meet the needs of changing communities.

Goal 4- A prosperous economy with services and infrastructure; and

Goal 5-Improved transport connectivity and freight networks.

It is our professional opinion for the reasons set out in Section 3 that reclassifying the subject land to urban growth land for the specific purpose of developing a retirement village can be achieved without compromising any of the planning goals that have been set for the North Coast Region and the Byron Shire under the Draft Plan.

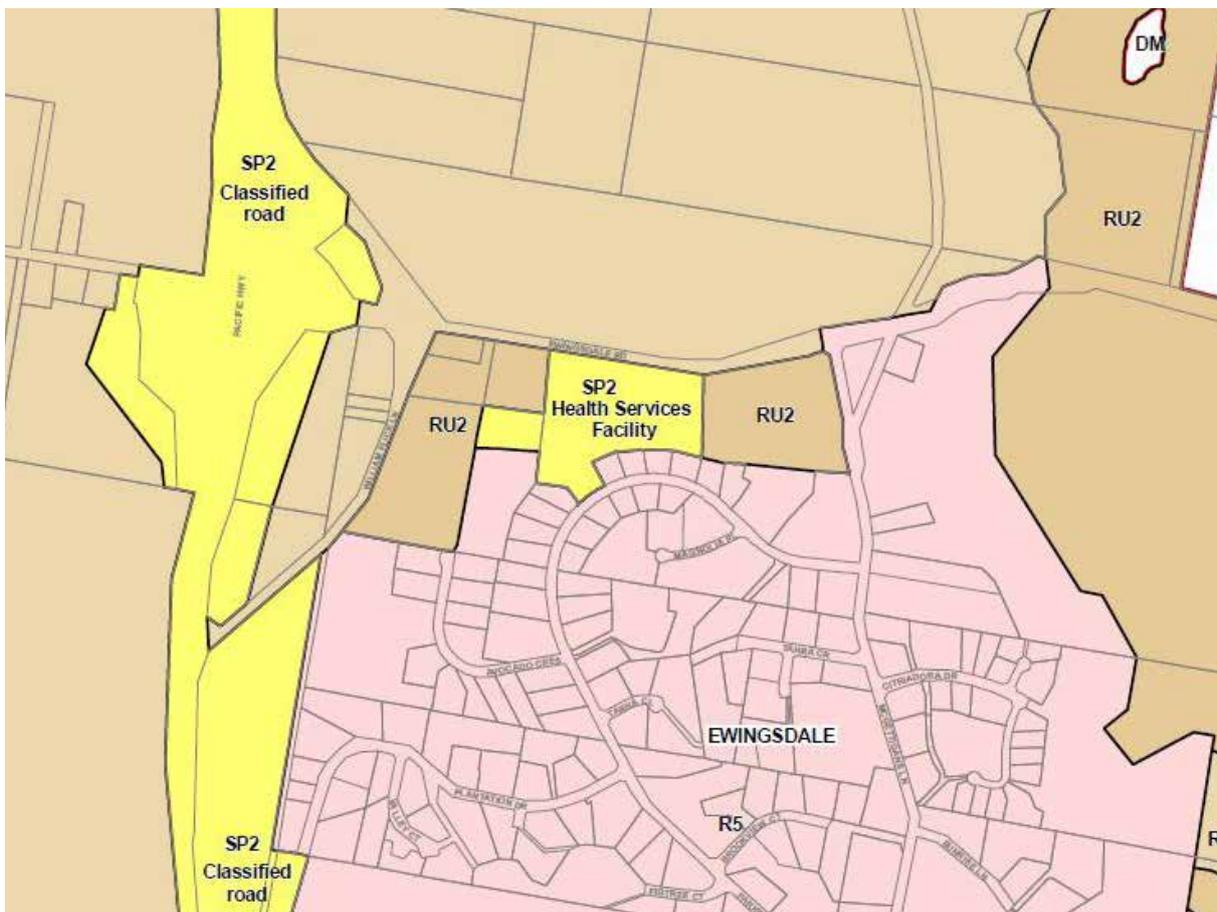
3.2. Goal 1 – A Natural Environment, and Aboriginal and Historic Heritage that is Protected, and Landscapes That Are Productive.

The subject lands historically were farmland forming part of a larger englobo parcel. This land parcel has been subdivided over time to create the R5 large lot residential housing estate to the south and Lot 100 in DP 114936 being the site of the newly completed Byron Shire Central Hospital.

Today, the subject lands are a fragmented land parcel comprising two residual land parcels that flag the eastern and western boundaries of the Byron Shire Central Hospital. Each parcel measures approximately 7 and 8 hectares in area. The small land size of each parcel and the current land use context which now includes the hospital and ambulance centre renders the subject land unviable for sustainable long term agricultural production.

The current zoning of the subject lands as illustrated by Figure 3.1 is part RU2 Rural landscape, part R5 Large Lot Residential and part SP2 Infrastructure Health Services Facility. As detailed at Table 3.1 these zonings enable a range of land uses to be developed on the site with consent and include a number of uses that would be appropriate to develop as ancillary uses part to a retirement village.

FIGURE 3.1 ZONING MAP



Source: Byron LEP 2014

TABLE 3.1

PERMISSIBLE LAND USES ON THE SUBJECT LANDS UNDER EXISTING LAND USE ZONES

LAND USE ZONE	USES PERMISSIBLE WITH THE CONSENT OF COUNCIL	POTENTIAL USES THAT WOULD BE DEVELOPED ON THE SITE AS PART OF THE PROPOSED EWINGSDALE RETIREMENT VILLAGE
RU2 Rural Landscape	Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Business identification signs; Camping grounds; Cemeteries; Child care centres; Community facilities; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Garden centres; Health consulting rooms; Helipads; Home businesses; Home industries; Hostels; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Livestock processing industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Rural workers' dwellings; Stock and sale yards; Storage premises; Transport depots; Truck depots; Veterinary hospitals; Warehouse or distribution centres	Child care centre Community facilities Health consulting room Neighbourhood shop Respite day care Hostel Restaurants or cafes
R5 Large Lot Residential	Bed and breakfast accommodation; Business identification signs; Dual occupancies (attached); Dwelling houses; Extensive agriculture; Home industries; Neighbourhood shops; Plant nurseries; Roads; Roadside stalls; Any other development not specified in item 2 or 4	Neighbourhood shops
SP2 Infrastructure Health Service Facility	Environmental facilities; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose	Health consulting rooms Day surgery

Source: Compiled by Urban Concepts

The specialist investigations which supported the Planning Proposal and the Gateway Determination have demonstrated the suitability of developing the subject lands for a retirement village. Further, and importantly to the achievement of Goal 1, the investigations have demonstrated that there is no environmental, European or Aboriginal heritage consideration that renders the land unsuitable for such a development.

An Aboriginal Cultural Assessment report formed part of the Planning Proposal investigations. This report did not locate any artefacts on the subject site. Higgins Homestead (inclusive of the adjacent significant trees) is located on the eastern land parcel and is identified as an item of local heritage significance under the Byron LEP 2014. The Homestead is vacant and in need of restoration. The development of a retirement village on the subject lands can provide for the restoration and adaptive re-use of the homestead in accordance with a Conservation Plan of Management at the development application stage.

The recently exhibited Byron Shire Rural Strategy does not identify that the land is required for rural lifestyle development notwithstanding, that it is located in the heart of the Ewingsdale village, has excellent road accessibility, can be serviced by town water and sewer and shares a common boundary with an existing R5 residential estate. Under the Draft Rural Strategy the Byron Shire Council has focused on providing rural lifestyle opportunities in the villages of Federal, Main Arm and Billinudgel, notwithstanding that two of these villages, namely Federal and Main Arm are unsewered while Billingsdale is subject to high hazard flooding.

The Ewingsdale Retirement Village Planning Proposal has had a long and unfortunate history since it was lodged in April 2013 with Byron Shire Council. As detailed in the Section 54(2) (d) request reproduced at Appendix A it is evident that Byron Shire Council is unable to carry out its functions in relation to the Planning Proposal and in accordance with the Gateway Determination that was issued back on the 21st November 2013. Competing local political agendas have derailed the determination of the Planning Proposal. With the public release of the Draft Byron Rural Land Use Strategy in April 2016, it is now evident that Byron Shire Council has no clear strategic or viable rural land use vision for the subject lands.

The ongoing failure by Byron Shire Council to recognise the suitability of the subject lands for rural or urban growth is inconsistent with object 5a(ii) of the Environmental Planning and Assessment Act 1979 being the promotion and coordination of the orderly and economic development of land:

'5 Objects

5.(a) (ii) the promotion and co-ordination of the orderly and economic use and development of land, '

The Planning Proposal has confirmed the urban development potential of the subject lands. The Council's actions are sterilising this development potential. The ongoing sterilisation of land that can support sustainable and viable development cannot be supported under Goal 1 of the Draft Plan on natural grounds, agricultural productivity or on Aboriginal or European heritage grounds.

3.3. Goal 2- Focus Growth Opportunities To Create A Great Place To Live And Work

The Draft Plan recognises the importance of protecting the conservation and economic value of coastal and rural lands within the Region and it achieves this by targeting growth opportunities in the North Coast's three regional cities of Tweed, Coffs Harbour and Port Macquarie.

The reclassification of the subject lands to urban growth land does not compromise the achievement of this goal. The Draft Plan provides a framework for considering minor variations to urban growth areas when certain criteria can be met. These criteria are detailed in Table 3 of the Draft Plan which is reproduced as Figure 3.2.

It is our professional opinion that the re classification of the subject lands to urban growth lands satisfies the variation criteria for the reasons set out below.

- Traffic demand modelling for the proposed retirement village has been undertaken by Bitzios Consulting. These investigations support the development of the western land parcel for independent seniors living villas and 2 storey apartment homesteads and the development of the eastern parcel for an 100 bed aged care facility with up to 3000 square metres of retail development and medical consulting rooms.
- Utility infrastructure for water and sewer is available for connection to service the development.
- While the land was formally mapped as significant farmland, the land use context of the site was substantially changed when the Byron Shire Central Hospital was constructed. The pairing of a retirement village adjacent to the hospital will create a specialised seniors living health care precinct which can address the current shortfall in appropriately designed seniors living housing in the Byron Shire.
- The land is not flood prone, highly erodible, of severe slope or with acid sulphate soils.
- The proposed use of the land for seniors housing has been approved by the Rural Fire Service.
- There are no aboriginal heritage constraints to developing the land
- European heritage considerations associated with the locally listed Higgins Homestead can be managed in accordance with a Conservation Management Plan at the development application stage.
- With a total site area of 15 hectares the reclassification of the land to urban growth land constitutes a minor variation to the Draft Strategy.
- There is no potential for the land to be used for farming or rural purposes given its small size and fragmentation into two parcels. It is no longer significant farmland.

FIGURE 3.2 EXTRACT FROM DRAFT NORTH COAST REGIONAL PLAN,

TABLE 3: URBAN GROWTH AREA VARIATION PRINCIPLES

Urban Growth Area Variation Principles	
POLICY	The variation needs to be consistent with the objectives and outcomes in the <i>Draft North Coast Regional Plan</i> and any relevant Section 117 Directions and State Environmental Planning Policies.
INFRASTRUCTURE	The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure and have no cost to government. The variation should only be permitted if adequate and cost-effective infrastructure can be provided to match the expected population.
ENVIRONMENTAL AND FARMLAND PROTECTION	The variation should avoid areas of high environmental or heritage value. The variation should avoid areas mapped as significant farmland, unless consistent with the interim variation criteria prior to finalising the farmland mapping review.
LAND USE CONFLICT	The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewage treatment plants, waste facilities and productive resource lands.
AVOIDING RISK	The variation must avoid physically constrained land identified as: <ul style="list-style-type: none"> ■ flood prone; ■ bushfire prone; ■ highly erodible; ■ having a severe slope; and ■ having acid sulfate soils.
HERITAGE	The variation must protect and manage Aboriginal and non-Aboriginal heritage.
COASTAL AREA	Only minor and contiguous variations to urban growth areas in the coastal area will be considered due to its environmental sensitivity, and the range of land uses competing for this limited area.

Source: NSW DPE, *Draft North Coast Regional Plan*, 2016 p.45

3.4. Goal 3 - Housing Choice, with Homes that Meet the Needs of Changing Communities

The Draft Plan supports the provision of additional capacity for aged care facilities and seniors housing. The Draft Plan identifies that the population of the North Coast Region will grow by over 97,000 to almost 645,000 by 2036. This growth along with demographic change and changing household needs and structures will create a demand for 72,000 new dwellings within the Region.

It is significant that over 90 percent of this growth will comprise people aged 65 years and over. This represents an increase in this age cohort from the current 20 percent to 31 percent.

The Draft Plan reinforces the benefits of the ageing in place care model and the need for purpose built assisted living. Specifically, Direction 3.2 of the Strategy states:

'Direction 3.2 Deliver housing choice to suit changing needs

Over the next 20 years, the population of the north Coast will change significantly. The ageing population will influence the demand for new housing and the desire of people to downsize and potentially age-in-place.'

With respect to Byron Shire, the Draft Plan identifies that an additional 3,750-4,500 dwellings will be needed to cater for the projected population growth of the Shire by 2036. It is significant that the Draft Plan identifies that Byron Shire will not have capacity within their existing urban growth area to achieve its 20 year housing supply. It notes that land immediately available for residential development at West Byron, Bangalow and Mullumbimby will become exhausted in the short term.

The Ewingsdale Retirement Village Planning Proposal directly complements and responds to the land use, population growth and socio economic initiatives that are outlined in the Draft Plan as they relate both to the broader North Coast Region and the specific needs of Byron Shire. If approved, the Planning Proposal will facilitate the development of a retirement village that will provide around 250-300 independent living units and villas and 100 assisted living aged care beds supported by medical, retail, community and recreational facilities. Based on the ageing in place care model, the Planning Proposal directly responds to the Draft Plan's call for action in its identification of aged care housing and assisted living support services.

3.5. Goal 4 - A Prosperous Economy with Services and Infrastructure;

With regard to employment, the Draft Plan identifies that it will be essential to supplement traditional rural and manufacturing industry and employment by expanding the healthcare, education, retail and tourism sectors. The Draft Plan is focused on providing greater employment opportunities within these growing sectors and in so doing give the community improved access to health, education and tourism infrastructure and services. It is significant that in the past five years the NSW Government has spent more than \$268 million on health and education in the Region. This has included the construction of the Byron Shire Central Hospital which is located between the eastern and western land parcels that comprise the subject site. Refer Figure 1.1.

The Draft Plan states that:

'The healthcare sector now employs more than 32,000 people in the region. Employment in this sector has grown by 37 percent over the last 10 years making it the largest and fastest growing jobs sector on the North Coast. This trend is set to continue as the region's population grows and ages.'

The proposal to collocate a retirement village adjacent to the Byron Shire Central Hospital directly supports Direction 4.2 of the Draft Plan and Action 4.2.1 as set out below:

'Direction 4.2 Develop health services precincts.

'Action 4.2.1 Support health services precincts by attracting complementary uses in these precincts.'

The location of a retirement village adjacent to the Byron Shire Central Hospital will create a seniors living and healthcare precinct which is consistent with the precinct planning approach outlined in Direction 4.2 of the Draft Plan. The Draft Plan identifies that Council's should be looking to introduce planning controls that encourage clusters of complementary related activity such as carer and patient accommodation, housing choices for patients and employees, higher education facilities and allied health specialists to co-locate with hospital infrastructure.

To date, Byron Shire Council has not looked to facilitate the collocation of complementary land uses around the Byron Shire Hospital. As outlined in Section 3.2, the existing zoning of the subject land is fragmented with the majority of the land being zoned RU2 Rural landscape. Table 1.1 details the range of land uses that are permissible with consent in the R5, RU2 and SP2 zones that apply to the land. Under these zones, the range of appropriate and permissible uses that could potentially cluster around the Byron Shire Hospital is extremely limited and would not give rise to a viable and sustainable health services precinct.

The current R5 and RU2 zones do not allow residential accommodation options to be considered as only a single dwelling on a land parcel of 8000 square metres in the R5 Zone or 40,000 square metres in the RU2 Zone are permissible.

It is evident; that the planning approach that is being adopted by Byron Shire Council for the subject lands fails to recognise the significant change in the strategic direction and future of

the subject lands that arises as a direct result of the construction of the Byron Shire Central Hospital. This failing by Byron Shire Council is contradictory to Goal 4 of the Draft Plan.

3.6. Goal 5 - Improved Transport Connectivity and Freight Networks.

The Draft Plan recognises the importance of transport and freight infrastructure in supporting jobs and facilitating movement by residents around the region and between centres.

The Draft Plan identifies that the Federal and NSW State Government has invested \$8.6 billion in upgrading the Pacific Highway. An estimated \$6.4 billion will continue to be spent completing the upgrade.

The subject lands are located approximately 50 metres from the Ewingsdale Road Pacific Highway interchange which is that main entry road into the township of Byron Bay.

Bitzios Consulting has undertaken traffic demand modelling to understand whether the site is suitable for development as a seniors living health care precinct. The results of these investigations support the urban development of the site and demonstrate that the subject lands can be developed for the range of land uses anticipated under the Planning Proposal without compromising the achievement of Goal 5 of the Draft Plan.

4. CONCLUSION

This submission has been advanced on behalf of Belbeck Investments who own the land that is legally described as Lot 101 in DP 114936. This submission has examined whether it is appropriate to recognise the subject lands as urban growth land in the Draft Plan.

In April 2013, Belbeck Investments advanced a Planning Proposal with Byron Shire Council to facilitate the development of the subject lands for an integrated seniors living and health care precinct. The Planning Proposal recognised that with the development of the Byron Shire Central Hospital on Lot 100, the land use context of the subject site had fundamentally changed from rural to urban.

We note that the recently exhibited Byron Rural Land Strategy has failed to identify the development potential of the land for rural lifestyle housing. The planning approach being adopted for the site by Byron Shire Council is sterilising the development potential of the land. The Council has failed to provide any robust arguments to support such an approach. Indeed, the comprehensive specialist investigations that support the Planning Proposal all confirm the suitability of the land for urban development.

The development vision that Belbeck Investments seeks to realise on the subject land is consistent with and complementary to each of the 5 Goals that underpin the Draft Plan and the achievement of the vision that the NSW DPE holds for the Region. Enabling the subject lands to be developed as a retirement village directly supports the Draft Plan's call for action in its identification of aged care housing and assisted living support services.

It is evident from our review of the Draft Plan that there is no housing pipeline available within Byron Shire that can supply the 3,750-4,500 dwellings that the Draft Plan has identified will be needed to cater for the projected population growth within the Shire by 2036. Certainly there is no pipeline of appropriately designed aged and seniors living accommodation planned.

In conclusion, it is requested that the NSW DPE review the Draft Plan and amend the Urban Growth Area Map (being Figure 28) for the Byron Shire to include the subject lands so that they can be developed as part of an integrated seniors living and health care precinct for the specific purpose of a retirement village.

APPENDIX A:

SECTION 54(2)(D) REQUEST LETTER

8 March 2016

BY EMAIL

Paul Garnett
Department of Planning and Environment
49 Victoria Street
Grafton
NSW 2460

Dear Paul,

Ewingsdale Retirement Village Planning Proposal

Lot 101 DP 1140936 Ewingsdale

Belbeck Investments Pty Limited

Introduction

1. On behalf of the proponent, Belbeck Investments Pty Ltd, I write to you to request the Minister to exercise his power to appoint the Secretary as the relevant planning authority pursuant to section 54(2)(d) of the Environmental Planning and Assessment Act 1979 (**EP&A Act**) in relation to the above Planning Proposal.
2. The Planning Proposal seeks an amendment to the Byron Local Environment Plan 2014 to enable the development on lot 101 DP 114936 (Site) of a retirement village with associated retail, community and supporting medical facilities. As you are aware, the Site is located on the eastern and western side of the new Byron Bay Regional Hospital on Ewingsdale Road, Ewingsdale.
3. In support of this request, we set out below the history of the Planning Proposal.

History of the Planning Proposal

4. The proponent commenced planning for a retirement village on the Site in 2009. It lodged a planning proposal in 2010 to amend the Byron Local Environment Plan 2008. On 5 April 2011, the Council resolved to not proceed with that planning proposal but to consider it in the context of a Local Growth Management Strategy.
5. The current Planning Proposal was lodged with Byron Shire Council (Council) in **mid-April 2013**.
6. On **13 June 2013**, Council resolved to support the Planning Proposal and forward it to the Department for a Gateway Determination
7. In **July 2013**, the Department sought changes and clarifications to the Planning Proposal. On 19 September 2013, Council resolved again to forward the Planning Proposal to the Department with the clarifications provided. On 16 October 2013, the Council wrote to the Department seeking a Gateway Determination to amend the Byron Local Environment Plan 2014 to:

Permit seniors housing, business premises, restaurants and cafes, shops and medical centres and to

cap the floor area of commercial premises to 3000 square metres as an additional permitted use on lot 101 in DEP 11409836. (The Planning Proposal)

8. The above Planning Proposal received the Gateway Determination from the Minister's delegate on **21 November 2013**. The Gateway Determination required that the amending LEP be finalised within 12 months of the date of the letter.
9. In the Gateway Determination, the Minister's delegate advised the General Manager of Council in the Gateway Determination that:

The State Government is committed to reducing the time to complete LEPs by tailoring the steps to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.
10. Detailed supplementary information was lodged with Council in **June 2014** by the proponent including extensive reports required by the Gateway Determination.
11. Byron Council then placed the Planning Proposal on public exhibition in **15 July to 12 August 2014**. On **9 October 2014**, the Council resolved to forward the planning proposal to the Minister for finalisation.
12. On **30 October 2014**, the Council rescinded that resolution. The Council resolved then to require the Planning Proposal to be placed on public exhibition for a second time from **11 November to 8 December 2014**.
13. Following the second public exhibition of the Planning Proposal, the Council resolved to progress a further traffic study and then wrote to the proponent in April 2015 advising this decision. The Council also wrote to the Department on 17 April 2015 to the same effect.
14. On **11 June 2015**, the proponent was advised by the Department that Council had sought a further six month extension of the period to complete the making of the LEP amendment.
15. On **17 September 2015**, the Council resolved as follows:
 1. Proponent to prepare draft development control plan along with a basic concept plan in consultation with Council and provide that to Council as soon as possible.
 2. Proponent to prepare and complete at their own cost a traffic demand study for the planning proposal.
 3. Proponent and Council to finalise draft VPA so that:
 - a) \$15,000 is paid to Council after the LEP is amended to contribute to the wider traffic studies.
 - b) \$3,000 is paid to Council for its legal costs to finalise the VPA.
 - c) The VPA is to be placed on public exhibition.
16. The proponent engaged in further public consultation with the local community during the period of **September to November 2015**, including providing two extensive on-site briefings and site inspections. The proponent also met with RMS and Council officers and then provided to Council the draft development control plan, a completed traffic demand study and a draft VPA on **28 November 2015**.
17. After the lodgement of the above documents with the Council, the proponent was orally advised that the Planning Proposal would be brought before the Council meeting in February 2016.
18. On 18 December 2015, the proponent was advised by letter that the Planning Proposal was anticipated to be brought before the Council meeting on **17 March 2016**.

19. By telephone conference on 3 March 2016, the proponent was advised by Ms Shannon Burt of Council that the Planning Proposal requires further revision. The proponent was further advised that it is likely that the Planning Proposal would be brought before the Council at the meeting of **7 April 2016**.

Grounds for making a decision under section 54(2)(b)

Delay

20. In our view, the above history illustrates that the planning authority has categorically failed to progress the Planning Proposal within a reasonable time frame.
21. It is to be remembered that the former registered proprietor of the Site first lodged a planning proposal in 2010. That proposal was delayed by the proposed development of a Local Growth Management Strategy and then the exhibition of the draft Byron Local Environment Plan of 2012 which was eventually made in 2014.
22. The current Planning Proposal has now been with the Council for almost three years. The proponent has satisfied every requirement of the most recent Council resolution of 17 September 2015. Despite this, the Council still is requiring further steps to be undertaken by the proponent. These steps were outlined in a lengthy document provided to the proponent on 3 March 2016.
23. The proponent is of the view that the Council is needlessly delaying the proper consideration of the Planning Proposal. It is failing to carry out its functions and failing to promote one of the key objects of the EP&A Act, namely the orderly and economic use of land.
24. The most recent information received from the Council requests fundamental changes to the Planning Proposal, revisions to the draft development control plan in relation to setbacks, housing design matters, vehicular access and a host of other detailed planning and construction related matters. It is the clear view of the proponent that these matters are appropriately dealt with at the development application stage and do not have to be resolved ahead of the determination of the Planning Proposal.
25. Furthermore, the document revisits issues that have been discussed, debated and already resolved. One such example is an issue of setbacks to the Essential Energy facility. This issue has been resolved by locating the proposed community facility between the independent living units and the Essential Energy site. It requests detailed matters to be agreed where that is unnecessary at this stage. For example, it requests that the proponent reach agreement with Essential Energy on a proposed easement across part of the Essential Energy site for vehicular access. It is a nonsense to suggest this should be completed at significant time and cost prior to the making of the amendment to the Byron LEP. The Council document contains numerous factual errors, inconsistencies and misrepresents the Planning Proposal.
26. We note that if the Minister does not exercise his discretion under s 54(2)(b) of the EP&A Act, there is a high likelihood this matter will encounter significant further delays. This is underscored by the fact that in the Council document provided to the proponent on 3 March 2016, it is suggested that extensive amendments are required and that there should be further public consultation on an amended Planning Proposal.

Lost opportunity for improved design outcomes

27. As a result of the failure by Council to advance this Planning Proposal, there have been significant lost opportunities to integrate the design of the proposed retirement village with the new Byron Central Hospital Site.
28. As there has been no certainty as to whether the Planning Proposal will proceed, the proponent has been prevented from engaging with the Department of Health to enable a more strategic and coordinated approach to access, landscaping and traffic management. The delays have thus failed to facilitate a better final design outcome for the precinct.

Community Consultation

29. As noted above, the Planning Proposal has already been placed on public exhibited twice. In addition, the proponent has undertaken further detailed public consultation with the local community in October and November 2015 prior to the preparation of a draft development control plan.

Consistency with Draft North Coast Regional Strategy

30. The draft North Coast Regional Plan (**Draft Plan**) supports the provision of additional capacity for aged care facilities and seniors housing. The Draft Plan identifies that the population of the North Coast Region will grow by over 97,000 to almost 645,000 by 2036. This growth along with demographic change and changing household needs and structures will create a demand for 72,000 new dwellings within the Region.
31. It is significant that over 90 percent of this growth will comprise people aged 65 years and over. This represents an increase in this age cohort from the current 20 percent to 31 percent. The Draft Plan identifies that it will be the ageing population that will influence the demand for new housing. The Draft Plan reinforces the benefits of the ageing in place care model and the need for purpose built assisted living.
32. Specifically with respect to Byron Shire, the Draft Plan identifies that an additional 3,750-4,500 dwellings will be needed to cater for the projected population growth of the Shire by 2036. It is significant that the Draft Plan identifies that Byron Shire will not have capacity within their existing urban growth area to achieve its 20 year housing supply. It notes that land immediately available for residential development at West Byron, Bangalow and Mullumbimby will become exhausted in the short term.
33. With regard to employment, the Draft Plan identifies that it will be essential to supplement traditional rural and manufacturing industry and employment by expanding the healthcare, education, retail and tourism sectors. The Draft Plan is focused on providing greater employment opportunities within these growing sectors and in so doing give the community improved access to health, education and tourism infrastructure and services.
34. The Ewingsdale Retirement Village Planning Proposal directly complements and responds to the land use, population growth and socio economic initiatives that are outlined in the Draft Plan as they relate both to the broader North Coast Region and the specific needs of Byron Shire. If approved, the Planning Proposal will facilitate the development of a retirement village that will provide around 250-300 independent living units and villas and 100 assisted living aged care beds supported by medical, retail, community and recreational facilities. Based on the ageing in place care model, the Planning Proposal directly responds to the Draft Plan's call for action in its identification of aged care housing and assisted living support services.
35. The Site of the Planning Proposal was traditionally farmland. However, the Site is now fragmented by the Byron Shire Central Hospital. The residual parcels are approximately 7 and 8 hectares in area. It cannot be used for farmland on an ongoing basis. The Site is perfectly suited to provide the much needed aged care housing for the Byron Community with associated and healthcare employment. The exercise of t advancement of the Planning Proposal through the final stage of the plan making process will facilitate the provision of this housing demand.

Request

36. The matters set out above show that the Council has failed to exercise its functions. Without a new planning authority being appointed, this matter is likely to drag on indefinitely. This will be at great cost to the community in that there is a very high demand for seniors living in the Byron Shire.
37. Accordingly, on behalf of the proponent, it is requested that the Minister exercise his power under s 54(2)(b) to appoint the Secretary of the Department as the relevant planning authority in relation to the Planning Proposal as set out in the Gateway Determination of 21 November 2013. The amendment to the Byron Local Environment Plan 2014 which is sought is as follows:

Insert at the end of Schedule 1:

Use of certain land at Ewingsdale Road, Ewingsdale

1. This clause applies to land at Ewingsdale comprised in lot 101 DP 1140936.
 2. Development for the purposes of seniors housing, business premises, restaurants and cafes, shops and medical centres is permissible with consent.
 3. Development for the purposes of commercial premises is limited to a maximum floor area of 3,000 square metres.
38. Could you kindly advise us if you need any further information in relation to this request and, if not, of the Minister's decision on this matter at your earliest convenience.

Yours faithfully,



Belinda Barnett (on behalf of the proponent Belbeck Investments Pty Ltd)